

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

KENNETH FLEMING, JOHN DOE, R.K.
and T.D.

NO. 04-2338 RSM

Plaintiff,

STIPULATION AND ORDER TO
PERMIT JACK LOHOLT TO
ENTER FOR DEPOSITION

v.

THE CORPORATION OF THE
PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS, a Utah corporation sole, a/k/a
"MORMON CHURCH"; LDS SOCIAL
SERVICES a/k/a LDS FAMILY SERVICES,
a Utah corporation

Defendant.

I. INTRODUCTION

A. Recitals

Whereas the Parties above-named are seeking to complete deposition discovery by February 27, 2006, they hereby represent and agree as follows:

1. Jack Loholt has been identified by the parties as a key witness in the above-captioned matter;

2. Plaintiffs in the above described action have noted the deposition of Mr. Jack Loholt for Friday, January 27, 2006;

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7566-025226 64244

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1 3. Mr. Loholt is a citizen and resident of British Columbia, Canada;

2 4. The parties believe that the interest of justice will be served by Mr. Loholt's
3 appearance at the deposition on January 27, 2006; and

4 5. The parties wish to avoid any scheduling difficulties with the deposition which
5 might arise should Mr. Loholt be denied entry into the United States en route to his
6 January 27, 2006 deposition which is scheduled to take place in Seattle,

7 NOW, THEREFORE, the parties hereby stipulate as follows:

8 **II. STIPULATION OF THE PARTIES**

9 1. Mr. LoHolt shall, subject to Order of this court, be deposed in the United
10 States of America, State of Washington, at the place and time designated on the
11 attached Notice of Deposition; and

12 2. They (the parties) jointly request that the court enter the subjoined Order
13 authorizing and directing (a) that Mr. Loholt be allowed entry into the United States no
14 earlier than January 25, 2006 and (b) that Mr. LoHolt return to Canada and depart from
15 the United States no later than 6:00 pm on January 28, 2006.

16 **III. ORDER**

17 The Court, having considered the above mutual Recitals and Stipulation of the
18 parties, and deeming itself fully advised of the premises, hereby

19 ORDERS, ADJUDGES, AND DECREES as follows:

20 1. Mr. Jack Loholt, a witness in the above captioned case, is hereby authorized to
21 enter the United States no earlier than Wednesday, January 25, 2006 for the express
22 purpose of appearing at the deposition scheduled for January 27, 2006;

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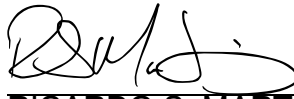
1 2. Mr. LoHolt shall present himself to officials at the Aldergrove Port of Entry into
2 the United States;

3 3. Mr. Loholt is authorized to meet with his attorney prior to the deposition.

4 4. Upon completion of his deposition, Mr. Loholt shall return to Canada and shall
5 depart the United States no later than 6:00 pm on Saturday, January 28, 2006.

6 5. The United States Department of Homeland Security and the United States
7 Border Patrol and any other U.S. government agencies or personnel are directed to and
8 shall admit Mr. LoHolt into the United States at such time as he presents himself at the
9 Aldergrove Port of Entry.

10 DATED THIS 23 day of January, 2006.

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12 

13 RICARDO S. MARTINEZ
14 UNITED STATES DISTRICT JUDGE

15
16 Prepared and presented by:

17 STAFFORD FREY COOPER

18
19 By: /s/ Marcus B. Nash via ECF
20 Thomas D. Frey, WSBA #1908
21 Marcus B. Nash, WSBA #14471
22 Attorneys for Defendants COP and LDS Family Services
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1 Agreed, approved as to form and substance, and stipulated:

2 GORDON THOMAS HONEYWELL MALANCA & PETERSON

3
4 By: /s/ Michael Pfau via ECF
Michael Pfau, WSBA #24649

5
6 LAW OFFICES OF TIM KOSNOFF

7
8 By: /s/ Timothy Kosnoff via ECF
Timothy Kosnoff, WSBA #16586

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